

Docket No: 3350-29
File No: 1158.41322X00
Client No: WEBCC

PATENT

REMARKS

Claims 1-31 and 34 are pending in this application. Claims 1-3, 6-7, 9-11, 16, 18-21, 23-24, 26-27, 30-31 and 34 are amended and claims 4 and 12 are cancelled herein.

The Examiner participation in an interview on May 5, 2005, is noted with appreciation.

The claims are amended to delete unnecessary limitations and for clarification. Additionally, claim 1 is amended to incorporate limitations previously recited in claim 4 and claim 9 is amended to incorporate limitations previously recited in claim 12. Claims 4 and 12 have accordingly been cancelled.

Claims 1, 2, 8-10, and 17 stand rejected as anticipated by Sandberg-Diment. Claims 18, 19, 24 and 27-30 stand rejected as obvious over Kravitz. Claims 3-7, 11-16, 20-23, 25, 26, 31 and 34 stand rejected as obvious over Sandberg-Diment in view of Kravitz. The rejections are respectfully traversed.

Independent claims 1, 9 require that the purchaser account be unknown to the payee, and that the authorization of the purchaser to pay the purchase price be transmitted from a purchaser network device to a financial institute network device and that the authorization of the FI be transmitted from the FI device to the payee.

As discussed during the interview, according to the teachings of Sandberg-Diment, the payee receives a portion of the purchaser's account number. According to

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Kravitz, the FI authorization is transmitted from the purchaser device to the payee device.

Independent claim 18 requires (A) selection between a plurality of payment options including (i) payment of the purchase price by a transfer to the seller of funds from an account of a purchaser and (ii) payment by at least one of credit card and debit card, (B) generating, responsive only to the selection of the payment of the purchase price by the transfer of the funds, a signal to establish a second network communications link with a second network station associated with a financial institute, and (C) transmitting to the second network station, via the second network communications link, information identifying the purchase price of the selected product, and information representing the purchaser approval of payment of the purchase price by the transfer by the financial institute to the seller of the funds.

Independent claim 24 requires (A) transmitting, from seller network device to a purchaser network device information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment, (B) selecting one of the plurality of payment options at the purchaser network device (C) transmitting, from the purchaser network device to a FI network device, the information identifying the purchase price of the product, only if the payment of the purchase price by the first form of payment is selected, and (D) transmitting, from

Docket No: 3350-29
File No: 1158.41322X00
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PATENT

the FI network device, an authorization of the FI for the seller to proceed with delivery of the product to the purchaser, responsive to the information transmitted from the purchaser network device to the FI network device.

Independent claim 31 requires (A) a seller network device which transmits a plurality of payment options including payment by a first form of payment and payment by a second form of payment, (B) a purchaser network device which receives the transmitted information, selects one of the plurality of payment options, and transmits a first message only if the first form of payment is selected and a second message only if the second form of payment is selected, (C) a FI network device, and (D) with (1) the first message being transmitted to the FI network device and including information identifying the purchase price of the product, and (2) the second message being transmitted to the seller network device and including information identifying the selected second form of payment.

These features distinguish over the applied art (i.e. Sandberg and Kravitz), in that neither reference, nor their combination, discloses the required selection (note also that in Sandberg the pricing information comes to the FI from the merchant), or that a link to the FI is only established based on selection of (1) something other than a credit or debit card payment in claim 18 and (2) one rather than another form of payment in claims 24 and 31. Indeed, Sandberg is only directed to credit card payments and Kravitz only to payment by transfer of the funds.

It is worthwhile also noting that:

Docket No: 3350-29
File No: 1158.41322X00
Client No: WEBCC

PATENT

Claim 26 (dependent from claim 24) further requires transmitting, from the FI network device to the seller network device, the authorization of the financial institute. In Kravitz this authorization necessarily goes from the FI to the purchaser and from the purchaser to the merchant.

Claim 30 (also dependent from claim 24) further requires transmitting from the purchaser network device to the seller network device, the information identifying the second form of payment, if the payment of the purchase price by the second form of payment is selected. Neither of the references have any suggestion of transmitting back to the merchant if one form of payment is selected and being linked to the FI only if another form of payment is selected.

Independent claims 21, requires (i) transmitting to a first network station, via the network, a request for purchaser approval of the payment of the purchase price through the transfer by the financial institute to the seller of the funds, (ii) receiving from the first network station, via the network, the purchaser approval of the payment and (iii) transmitting to a second network station, via the network, an authorization of the financial institute to proceed with a sale to the purchaser of the product after the funds are determined to be sufficient and the purchaser approval is received.

These limitations distinguish over Sandberg in that Sandberg lacks the required request for or purchaser approval of payment of the purchase price (note in Sandberg the price is actually received from the merchant rather than the purchaser), and over Kravitz in that Kravitz lacks the transmission of an authorization to proceed with the sale

Docket No: 3350-29
File No: 1158.41322X00
Client No: WEBCC

PATENT

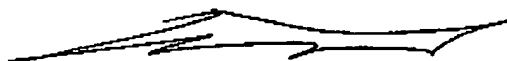
from the FI to the merchant device (note in Kravitz this necessarily goes from the FI to the purchaser and from the purchaser to the merchant).

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1158.41322X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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